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U.S. Department
of Transportation
**Federal Aviation
Administration**

Federal Aviation Regulations

Part 99
Security Control of Air Traffic; Modification of the U.S. Air Defense Identification Zones (ADIZ)

Revised
June 30, 1988

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Introductory Note

Part 99, revised June 30, 1988, is codified under Subchapter F, Air Traffic and General Operating Rules, of Title 14 of the CODE OF FEDERAL REGULATIONS.

This revised Part 99 was published as Part III in the *Federal Register* on May 20, 1988 (53 FR 18216).

Part 99 preambles from 1963 through 1982 have been included as historical background. The preamble to this revised Part 99 (Amendment 99-13) starts on page P-16.

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Part 99—Security Control of Air Traffic

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Adoption of Part 99

Adopted: June 24, 1963 **Effective: September 30, 1963**

(Published in 28 F.R. 6702, June 29, 1963, effective September 30, 1963.)

This amendment adds to Subchapter F—Air Traffic and General Operating Rules [New] of Chapter I of Title 14 of the Code of Federal Regulations Parts 91 [New], 93 [New], 95 [New], 97 [New], 99 [New], 101 [New], and 103 [New]. It also adds several definitions to, and deletes one definition from, Part 1 [New]. The amendment is a part of the program of the Federal Aviation Agency to recodify its regulatory material into a new series of regulations called the "Federal Aviation Regulations" to replace the present "Civil Air Regulations" and "Regulations of the Administrator".

During the life of the recodification project, Chapter I of Title 14 may contain more than one Part bearing the same number. To differentiate between the two, the recodified Parts, such as the ones in this subchapter, will be labeled "[New]". The label will of course be dropped at the completion of the project as all of the regulations will be new.

This action was published as a notice of proposed rule making in the Federal Register on February 1, 1963 (28 F.R. 1003), and as Draft Release 63-3.

Some of the comments received recommended specific substantive changes to the regulations. Although some of the recommendations might, upon further study, appear to be meritorious, they cannot be adopted as a part of the recodification program. The purpose of the program is simply to streamline and clarify present regulatory language and to delete obsolete or redundant provisions. To attempt substantive changes in the recodification of these regulations (other than minor, relaxatory ones that are completely noncontroversial) would delay the project and would be contrary to the ground rules specified for it in the Federal Register on November 15, 1961 (26 F.R. 10698) and Draft Release 61-25. However, all comments of this nature will be preserved and considered in any later substantive revision of the affected Parts.

As a result of other comments received, several changes have been made in Subchapter F.

Sections 91.33 and 91.35 have been added to include the instrument and equipment requirements for general aviation aircraft that were contained in Part 43. Section 91.33 incorporates the instrument and equipment requirements for standard category aircraft from former § 43.30 and the DME provisions from former § 43.33. Section 91.35 incorporates the flight recorder requirements from former § 43.32. These changes have been made in recognition of the greater user convenience that results from combining these rules with the general operation provisions of Part 91 [New].

A new § 91.37 has been included in Part 91 [New] to cover weight limitations for transport category aircraft. This section is based upon former §§ 43.11, and 43T.11 of SR 422A and SR 422B. These provisions were omitted from DR 63-3 as surplus, but comments correctly pointed out the need for their inclusion in Part 91 [New].

Section 91.59 as proposed in DR 63-8 required compliance with the applicable marine rules of the road when operating an aircraft on water but it did not specifically spell out those rules. In order to avoid any misunderstanding as to the rules that must be complied with, that section has been revised to state those rules in detail and it now appears as § 91.69.

A number of changes have been made in proposed § 91.75. As proposed in DR 63-8, that section contained the air traffic rules for operating on or in the vicinity of airports, including specific provisions for controlled and uncontrolled airports. Because of the undue length of the section it has been broken down into three separate sections which now appear as §§ 91.85, 91.87, and 91.89. Paragraph (a) of proposed § 91.75 defined, for the purpose of that section, the terms "airport traffic area," "controlled airport," and "uncontrolled airport". The latter two terms were distinguished on the basis of whether or not the airport had a control tower. One comment received pointed out that under the present rules even an airport without a control tower becomes a "controlled airport" if it is located in a control zone and the weather in that zone goes below basic VFR minimums. Therefore, §§ 91.87 and 91.89 have been revised to eliminate those terms and to execute their definitions. In addition, because of its general applicability, the definition of "airport traffic area" has been transferred to Part 1 [New].

Two other changes have been made in proposed § 91.75. First, the word "arriving" has been inserted in the first sentence of paragraph (c) of § 91.85 so that it correctly reflects the scope of the rule on which it is based. Secondly, paragraph (d) of § 91.87 has been revised to apply only to aircraft "operating to" an airport. As this provision appeared in the draft release it would apply to aircraft operating "to, from, or on" an airport. While this language properly reflected the applicability of former § 60.18(b), one comment pointed out its incorrect applicability and this opportunity is being taken to correct it.

One comment noted that proposed § 91.73 relaxed the requirement of § 60.20 by permitting a pilot to notify the nearest "ATC facility" upon cancelling or completing flight under a flight plan rather than the nearest "control tower". This relaxatory change in the rule was intended, and it has been retained in § 91.83(a). In addition, the requirement for indicating aircraft color in a flight plan has been deleted from that paragraph, since it was not contained in § 60.41.

Certain changes, not contained in Draft Release 63-8, reflect amendments to the Parts revised herein that became effective after the draft release was published. Each of these amendments, when published, contained a statement that they would be included in the final draft of the recodified Parts affected and, in addition, Draft Release 63-8 stated that such amendments would be included in the final draft of the revised subchapter. Amendments 43-16, 43-17, 48-1, 60-31, 60-32, and 619-1 are therefore reflected in the new subchapter.

Other minor changes of a technical clarifying nature or relaxatory nature have been made. They are not substantive and do not impose any burden on regulated persons.

Of the comments received on Draft Release 63-8, several suggested changes in style, format, or technical wording. These comments have been carefully considered and, where consistent with the style, format, and terminology of the recodification project, were adopted.

Comments received regarding proposed § 91.77 indicated a misunderstanding of the provisions of that section. Under § 60.24, on which proposed § 91.77 was based, there were two types of flight test areas, "approved" areas and "designated" areas. Since the Administrator has never "designated" flight test areas, § 60.24(a)(2) has been dropped as obsolete. The remaining flight test area provisions are now included in § 91.93.

A number of comments received regarding proposed § 91.35 indicated that many persons were not aware that under Part 190 of the Civil Air Regulations a person operating a foreign civil aircraft in the United States under VFR rules had to file a VFR flight plan. As proposed, § 91.35 simply restated that provision and it has been retained without change in § 91.43.

It should be noted that CAMs and information notes that are still current but which have been deleted as part of this amendment, will be republished in the Agency's Advisory Circular System.

The recodification of the air traffic and general operating rules in Subchapter F does not change the applicability of those rules, nor does it affect those rules governing special operations that prevail over the general rules contained in that subchapter. In addition, a certificate of waiver or an exemption that involves a regulation recodified herein that is outstanding on the effective date of this amendment will continue to be effective according to its terms and conditions even though it refers to Part or section numbers no longer in existence. For example, an exemption from the VFR cruising altitude provisions of former § 60.32 would continue under the terms and conditions of that exemption, to allow deviation from those altitudes, even though § 60.32 has been superseded by § 91.109. At such time as a certificate of waiver or an exemption is renewed, section references will be revised to reflect the new section number. In view of this, it is not necessary for persons who hold certificates of waiver or exemptions to take any action due to the recodification and renumbering of the air traffic and general operating rules.

The definitions, abreviations, and rules of construction contained in Part 1 [New] of the Federal Aviation Regulations apply to Subchapter F. When Part 1 [New] was adopted its preamble stated that it would be amended as necessary in order to apply to specific regulations as they were recodified. As part of this action Part 1 [New] is being amended to incorporate definitions found to be necessary because of the adoption of subsequently issued FARs, including Subchapter F. The definitions of "air traffic clearance," "air traffic control," and "airport traffic area" have been incorporated from Part 60. The definitions of "kite" and "rocket" have been incorporated from Part 48. The definitions of "air commerce," "foreign air commerce," "interstate air commerce," and "overseas air commerce" have been incorporated from § 101 of the Federal Aviation Act of 1958. In addition to these definitions, Part 1 [New] is being amended to include definitions of "category," "class," and "type" and to delete the definition of "pilot".

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to al lrelevant matter presented. The Agency appreciates the cooperative spirit in which the public's comments were submitted.

In consideration of the foregoing Chapters I and III of fTitle 14 of the Code of Federal Regulations are amended as follows, effective September 30, 1963.

This amendment is made under the authority of sections 307, 313(a), 402, 601, 602, 603, 902, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a), 1372, 1421, 1442, 1443, 1472, 1510, and 1522).

Amendment 99–1

Panama Canal Zone Domestic ADIZ

Adopted: May 27, 1964 **Effective: July 1, 1964**

(Published in 29 F.R. 7146, June 2, 1964)

This amendment of Part 99 [New] of the Federal Aviation Regulations establishes an Air Defense Identification Zone over the Panama Canal Zone to require position reports and flight plans from pilots operating civil aircraft into or within the ADIZ.

The airspace above the Canal Zone is currently designated as the "Canal Zone Military Air ,pace Reservation" by § 5.2 of the Panama Canal Air Navigation Regulations, 35 CFR 5.2. This section and the associated Air Navigation Regulations of Part 5 of Title 35 are promulgated by the Secretary of the Army under authority delegated by the President in accordance with the Canal Zone Code, Section 701, 76A Stat. 29, 700. This authority was reserved to the President by Section 101 (29) of the Federal Aviation Act, 49 U.S.C. 1301.

The Military Airspace Reservation extends from the surface of the Canal Zone upward without ceiling. Transient aircraft may not be operated within the Reservation without the permission of the Commander in Chief, U.S. Southern Command. In addition to the Reservation, which is charted as R–600, there are numerous danger areas designated over the Canal and the waters at each end of the Canal, both within and out-

side the 3-mile marine boundary. The effect of the Airspace Reservation is to prevent the operation into or through the Zone of all aircraft except U.S. military aircraft and aircraft of certain duly organized civil air clubs. Landings of other aircraft are permitted if an emergency exists.

Discussions between representatives of the Department of Defense and this Agency have resulted in the formation of a plan to improve the flow of air traffic in the regional area which encompasses the Canal Zone. This plan provides for the installation and operation of a VORTAC and a high-power, low-frequenry radio beacon at each end of the Zone; an airport surveillance radar, and a long range radar; the modification of the airspace restrictions over the Zone and the adjacent oceanic areas; revision of the air route structure; and the establishment of this Air Defense Identification Zone with associated facilities.

The ADIZ established herein extends upward from 2,500 feet MSL. Concurrently with the effective date of this amendment, military action will reduce R–600 by the imposition of a ceiling at 2,500 feet above mean sea level. At the same time, the danger areas over the Canal, including those within the 3-mile limit, will be re-established by the military as "restricted areas" or rescinded as being no longer necessary. It might be noted that these restricted areas are not being established by this Agency in Part 73 [New] of the Federal Aviation Regulations and, consequently, do not fall within the definition of that term as used in the Federal Aviation Regulations. All restricted areas will be designated joint use airspace with the Panama Air Route Traffic Control Center acting as the controlling agency. The danger areas existing beyond the 3-mile limit will be modified and renamed in nonrule-making actions by this Agency as warning areas.

Inasmuch as the overall effect of these regulatory actions will lessen a burden on the public, I find it contrary to the public interest to comply with the notice and public procedure requirements of the Administrative Procedure Act. Compliance with the effective date provision of the Act will be met in that this amendment is made effective July 1, 1964.

In consideration of the foregoing, Part 99 [New] of the Federal Aviation Regulations is hereby amended as follows.

This amendment shall become effective at 0001 EST (0501Z) on July 1, 1964. (Sections 307, 1201, 1202 of the Federal Aviation Act of 1958, 72 Stat. 749, 800, 49 U.S.C. 1348, 1510, 1522.)

Amendment 99–2

Alteration of Alaskan DEWIZ

Adopted: July 7, 1964 **Effective: August 20, 1964**

(Published in 29 F.R. 9485, July 11, 1964)

The purpose of this amendment is to alter the southern and western boundaries of the Alaskan Distant Early Warning Identification Zone.

In Notice 64–8, the FAA proposed a partial realignment of the Alaskan DEWIZ in order to reduce the frequency of flight progress reports. Since overwater pilots are required to report each five degrees, latitude or longitude, ending in either zero or five, it was proposed to adjust portions of the southern and western boundaries of the DEWIZ to coordinates compatible with these overwater reporting points.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Due consideration was given to all relevant matter presented.

Only two comments were received on the proposed rule. The Air Line Pilots Association recommended adoption of the proposal. The Air Transport Association of America (ATA) had no basic objection to the proposal, but felt that further changes to the DEWIZ boundary would be appropriate. The ATA pointed out that procedures for the Anchorage Oceanic Control Area call for pilots operating aircraft on a track predominantly east or west to report each ten degrees of longitude, rather than each five degrees, if the speed of the aircraft is such that ten degrees will be traversed in one hour and twenty minutes or less. Accordingly, they suggested alignment of the

western boundary of the DEWIZ to coincide with 170° or 180° W longitude, instead of with 175° W longitude as was proposed in the Notice.

The FAA recognizes that alteration of the western boundary of the DEWIZ as suggested by the ATA would further reduce jet aircraft position reporting. However, relocation of the boundary to either 170° or 180° W longitude would not be practicable. Use of 170° W longitude would compromise the capability to correlate the identification, location, and control of civil aircraft because of the proximity of the boundary to the mainland. On the other hand, use of 180° W longitude would create a severe problem in correlating position reports because of the inadequacy of navigational aids in that area. Therefore, action is taken herein to alter the DEWIZ as proposed in Notice 64–8.

Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Section 99.47 [New] of Chapter I of Title 14 of the Code of Federal Regulations is amended, effective August 20, 1964, to read as follows.

This amendment is made under the authority of Sections 307, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and 1522), and Executive Order 10854, 24 F.R. 9565.

Amendment 99–3

Special Requirements—Panama Canal ADIZ

Adopted: August 5, 1964 **Effective: August 10, 1964**

(Published in 29 F.R. 11446, August 8, 1946)

On July 1, 1964, Part 99 of the Federal Aviation Regulations was amended to establish an Air Defense Identification Zone over the Panama Canal Zone to require position reports and flight plans from pilots operating civil aircraft into or within the ADIZ. Under the ADIZ concept, the airspace under 2500 feet would continue as a military airspace restricted area and there would be numerous danger areas designated over the Canal and waters at each end of the Canal.

Instrument flight rule flights within the ADIZ are subject to the routes and reporting points prescribed for the Panama control area. The clearances associated with IFR operations provide for route navigation as well as radar navigation within the ADIZ, thus assuring the specific positioning of aircraft in the airspace overlying the Zone.

On the other hand, DVFR flights are not subject to such specific positioning but are subject to flight planning and position reporting. The Department of Defense considers, however, that the same requirements should exist with respect to both IFR and DVFR flights in the interests of national defense. The only practical result of the change is to require advance approva lof DVFR flight plans in order to secure specific positioning of all aircraft.

Inasmuch as this amendment relates to defense needs, I find it contrary to the public interest to comply with the notice, public procedure, and effective date requirements of the Administrative Procedure Act, and therefore this amendment may become effective in less than 30 days.

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended by adding the following new section after section 99.31, effective at 0001 EST (0501Z) on August 10, 1964.

This amendment is made under the authority of sections 307, 1201, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and 1522).

Amendment 99-4

Alteration of Alaskan Distant Early Warning Identification Zone

Adopted: April 29, 1965 **Effective: May 27, 1965**

(Published in 30 F.R. 6242, May 5, 1965)

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the eastern and southeastern boundaries of the Alaskan Distant Early Warning Identification Zone (DEWIZ), thereby reducing requirements for flight-progress reporting and estimating in that area.

As presently designated, the southeastern boundary of the Alaskan DEWIZ crosses overwater Control Area Extension 1310 in the vicinity of Domestic Gustavus, a low altitude reporting point located at 58°57'N, 139°26'W. Domestic Yakutat, a low altitude and high altitude reporting point, is located on Control 1310, 91 nautical miles to the west at 57°52'N, 141°46'W.

High altitude flights proceeding in a westerly direction along Control 1310 are now required to furnish an estimated time for penetration of the DEWIZ near Domestic Gustavus, and to report passing Domestic Yakutat shortly after penetration.

Flight planning and air traffic control procedures are simplified and communications reduced where DEWIZ or ADIZ penetration points and reporting points coincide.

It is the purpose of this amendment to realign the southeastern boundary of the Alaskan DEWIZ so that it passes through Domestic Yakutat, thus effecting that simplification.

Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

Inasmuch as this amendment relates to defense requirements, and in the interest of early alteration of aeronautical charts, I find it contrary to the public interest to comply with notice, public procedure, and effective date requirements of the Administrative Procedure Act, and this amendment may be made effective in less than 30 days.

In consideration of the foregoing, Section 99.47 of Part 99 is amended, effective May 27, 1965, to read as follows.

This amendment is made under the authority of Sections 307, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U. S. C. 1348, 1510, and 1522), and Executive Order 10854 (24 F.R. 9565).

Amendment 99-5

Special Instructions for the Security Control of Air Traffic

Adopted: July 22, 1965 **Effective: August 27, 1965**

(Published in 30 F.R. 9358, July 28, 1965)

On March 17, 1965, a Notice of Proposed Rule Making was published in the Federal Register (30 F.R. 3550) stating that the Federal Aviation Agency was considering amendments to §§ 99.3 and 99.7 of Part 99 of the Federal Aviation Regulations that would clarify the extent to which the Administrator intends implementing his authority, under the Federal Aviation Act of 1958, to encourage and permit the maximum use of the navigable airspace by civil aircraft consistent with the national security.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Due consideration was given to all relevant matter presented.

Although all comments generally supported the proposed amendments, the Air Transport Association of America (ATA) stated that it was concerned with the broadness of the authority granted the Administrator by the proposal to amend § 99.7. The amend-

ment, as proposed, does not grant the Administrator any degree of authority. Rather, it implements the authority granted him by § 1202 of the Federal Aviation Act of 1958.

The purpose of the amendment, herein, is to make perfectly clear that special security instructions can and may be issued in accordance with § 1202 under any situation determined to be detrimental to the interests of national defense, including all degrees of hostile actions as well as situations precipitating the declaration of an Air Defense Emergency or Defense Emergency and attendant full war plans.

The ATA also commented that the words ". . . . in the interest of national security," as used in the proposed change to Section 99.7, are not defined and, as such, are susceptible to different interpretations. Further, it was suggested that the language would be more in keeping with the intent of the amendment, as expressed in the preamble of the notice, if the words ". . . hostile actions threatening national security," were used. In the interest of national security, the Administrator may issue special security instructions under conditions which include all degrees of hostility, ranging from threats to actual attack. The phrase "in the interest of national security" is not specifically defined since it is an inclusive term intended to cover any and all situations that quite obviously cannot be predetermined.

The Aircraft Owners and Pilots Association recommended that the terms Air Defense Emergency and Defense Emergency continue as conditions for the issuance of special security instructions. The basis for this recommendation was that the Administrator has sufficient authority under the Federal Aviation Act of 1958 to issue special security instructions as necessary, and in the event of a time-critical situation, military commanders would not wait for a formal declaration of an Air Defense Emergency or Defense Emergency prior to initiating defensive measures. Again, the amendment of § 99.7 is designed to clarify the extent to which the Administrator intended using his authority under § 1202 of the Act, rather than attempting to add to that authority. Further, the argument that military commanders would not wait for a formal declaration of an Air Defense Emergency or Defense Emergency strengthens, rather than contravenes, the position that such a declaration should not be a prerequisite for the issuance of, and compliance with, special security instructions.

Finally, AOPA stated that it realized situations may arise that do not require the declaration of an Air Defense Emergency or Defense Emergency, or hostile actions may occur without sufficient time to make these declarations, but that the issuance of Special Rules would be sufficient to cope with these situations; that it would be impractical to cover such exceptions to a formal declaration in Part 99. Unfortunately, immediate compliance with defense measures, including special security instructions, to counter threatening hostile actions may be required at any given moment, and does not lend itself even to the publication of Special Regulations. In view of such uncertainty, the language proposed for § 99.7 provides an exceptionally practical and necessarily flexible means, consistent with appropriate agreements between the Federal Aviation Agency and the Department of Defense, for dealing with situations involving all activities determined to be detrimental to national security. To clarify further the extent to which the Administrator intends issuing special security instructions under the authority of § 1202, specific reference to such appropriate agreements between the Agency and the Department of Defense is hereby inserted in § 99.7 as proposed.

In consideration of the foregoing, §§ 99.3 and 99.7 of Part 99 of the Federal Aviation Regulations are amended, effective August 27, 1965, as hereinafter set forth.

These amendments are made under the authority of Secs. 307 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1522).

Amendment 99–6

Alteration of Alaskan Distant Early Warning Identification Zone

Adopted: October 25, 1966 Effective: December 8, 1966

(Published in 31 F.R. 13941, November 1, 1966)

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the description of the western boundary of the Alaskan Distant Early Warning Identification Zone (DEWIZ), thereby reducing requirements for flight-progress reporting and estimating in that area.

Oceanic position reporting procedures in the Anchorage control area require aircraft to make position reports when passing each five or ten degrees of longitude extending east and west of the 180-degree meridian.

High-performance flights are required to report only every ten degrees of longitude.

The western boundary of the Alaskan DEWIZ is presently located at 175 degrees west longitude. Pilots of aircraft planning to penetrate this DEWIZ must file a flight plan containing the estimated point and time of penetration. For high-speed aircraft, this is an extra estimate that is not needed for air traffic control (ATC) purposes.

Flight planning and air traffic control procedures are simplified and communications reduced where DEWIZ or ADIZ penetration points and reporting points coincide. Therefore this rule relocates the western boundary of the Alaskan DEWIZ from its present position at 175 degrees west longitude to the 180-degree meridian.

Since this action involves airspace outside the United States, the Agency has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Exe[illegible] Order 10854.

Inasmuch [illegible] amendment relates to defense requirements, I find it contrary to the public intere[illegible] comply with the notice and public procedure requirements of the Administrative [illegible]rocedure Act.

This amendment is made under the authority of sections 307, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and 1522), and Executive Order 10854 (24 F.R. 9565).

Amendment 99–7

Alteration of Atlantic Coastal Air Defense Identification Zone

Adopted: May 22,1968 Effective: July 25, 1968

(Published in 33 F.R. 7881, May 30, 1968)

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the description of the Atlantic Coastal Air Defense Identification Zone (ACADIZ) in the vicinity of the South Island Intersection so that aircraft being radar vectored from the vicinity of South Island to Coyle are able to stay to the West of the ACADIZ avoiding the need for coordination with Air Defense Command Facilities.

In a separate rule making action to improve the efficiency of the air traffic control system in the ACADIZ boundary area, the following changes to off-shore routes southeast of New York City have been effected:

1. Extension of Jet Route 63 from the Kennedy, N. Y. VORTAC to the Tuna (over-water) intersection.
2. Designation of a new jet route between Sea Isle, N. J. VORTAC and the Shad (over-water) intersection.
3. Modification of Control 1147 and 1148.
4. Modification of Wrightstown, N. J., Transition Area.
5. Designation of additional high and low altitude reporting points.

Enactment of the above proposals necessitates the ACADIZ alteration. Since the ACADIZ boundary change involves airspace outside of the United States, the FAA has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

Inasmuch as this amendment relates to a defense requirement in which the public is not particularly interested, I find that the notice and public procedure requirements of the Administrative Procedure Act are unnecessary.

In consideration of the foregoing, § 99.45(a) of Part 99 is amended, effective July 25, 1968.

This amendment is made under the authority of section 307, 1110, and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510, and 1522), and Executive Order 10854 (24 FR 9565).

Amendment 99–8

Alteration of Atlantic Coastal Air Defense Identification Zone

Adopted: January 14, 1969 **Effective: March 6, 1969**

(Published in 34 F.R. 923, January 22, 1969)

The purpose of this amendment to Part 99 of the Federal Aviation Regulations is to alter the description of the boundary of the Atlantic Coastal Air Defense Identification Zone (ACADIZ) to permit the designation of a new transition area to facilitate the radar vectoring of departures from Kennedy International Airport to overseas destinations.

A requirement exists for additional controlled airspace within Warning Areas W–105 and W–106 to permit radar vectoring of JFK departures en route to overseas destinations. This amendment is a required ancillary action to accommodate this proposed Transition Area.

The matter of changing the ACADIZ boundary has been coordinated with NORAD Headquarters, and will not adversely affect the NORAD mission.

Since the ACADIZ boundary change involves airspace outside of the United States, the FAA has consulted with the Secretary of State and the Secretary of Defense, in accordance with the provisions of Executive Order 10854.

This amendment is ancillary to an airspace rule making action (Docket No. 68–EA–14) which requires redefining the coordinates of the ACADIZ. Since this amendment relieves a burden on the public and is editorial in nature, I find it unnecessary to comply with the notice and public procedure requirements of 5 U.S.C. 553.

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended, effective March 6, 1969.

This amendment is made under the authority of Sections 307, 1110 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510 and 1522) and Executive Order 10854 (24 F.R. 9565), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Amendment 99–9

Applicability; Gulf of Mexico Coastal ADIZ

Adopted: February 25, 1970 **Effective: March 10, 1970**

(Published in 35 F.R. 4292, March 10, 1970)

The purpose of these amendments to the Federal Aviation Regulations is to change the latitude for the applicability exception of Subpart A, Part 99, for aircraft operating in a Coastal or Domestic ADIZ with a true airspeed of less than 180 knots, and to revise the southern boundary of the Gulf of Mexico Coastal ADIZ.

Department of Defense air defense procedures have been amended so that all aircraft operating north of 25° north latitude or west of 85° west longitude at a true airspeed of less than 180 knots are classified as friendly. Since flight plans or ADIZ position reports are no longer needed for these aircraft, § 99.1(b)(1) is amended to except those aircraft from the applicability of Subpart A, Part 99.

The Department of Defense has recommended revision of the southern boundary of the Gulf of Mexico Coastal ADIZ. The distance of the present southern boundary from the Florida land mass is such that aircraft may penetrate the ADIZ before they are within range of aids to navigation used to determine their position. As a result, many of these aircraft are detected by air defense radars as being out of correlation tolerances and tactical actions are initiated before the pilot can determine and report an updated position. The changes in the southern boundary of the Gulf of Mexico Coastal ADIZ contained in this amendment will materially reduce that problem.

Since this amendment will relieve the operators of aircraft in the areas concerned from further compliance with procedural requirements, I find it is unnecessary to comply with notice and public procedures hereon, and these amendments may be made effective in less than 30 days.

Inasmuch as this action involves airspace outside the United States, the agency has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended, effective March 10, 1970.

This amendment is made under the authority of Sections 307, 1110 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510 and 1522) and Executive Order 10854 (24 F.R. 9565), and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Amendment 99–10

Deletion of Puerto Rico Coastal Air Defense Identification Zone

Adopted: February 27, 1976 **Effective: March 11, 1976**

(Published in 41 F.R. 10419, March 11, 1976)

The purpose of this amendment is to delete the airspace description of the Puerto Rico Coastal Air Defense Identification Zone (ADIZ) from § 99.45(f) of Part 99 of the Federal Aviation Regulations.

Part 99 designates defense areas, air defense identification zones, and prescribes rules for operating aircraft in those areas. The Puerto Rico ADIZ was designated in Part 620 of the Regulations of the Administrator at the request of the Department of Defense during a national emergency in 1962, and was rescinded, effective January 24, 1963 (28 FR 633), when that Department advised the Administrator that the situation which generated the requirement no longer existed. However, when Part 620 was recodified as Part 99 of the Federal Aviation Regulations, the airspace description of the Puerto Rico ADIZ was erroneously included. Since the ADIZ was rescinded and is no longer reflected on any charts, its description in Part 99 is no longer applicable, and is, therefore, deleted by this amendment.

The deletion of this airspace description, is editorial in nature and has no substantive effect. Therefore, notice and public procedure thereon are unnecessary, and, for the same reason, it may become effective in less than 30 days after publication in the *Federal Register*.

Authority: [Sections 307, 1110 and 1202 of the Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1510, 1522); Executive Order 10854 (24 FR 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. § 1655(c))].

In consideration of the foregoing, Part 99 of the Federal Aviation Regulations is amended, effective March 11, 1976, by deleting paragraph (f) of § 99.45.

Amendment 99-11

Revocation of Panama Canal Air Defense Identification Zone

Adopted: September 11, 1981 Effective: October 21, 1981

(Published in 46 FR 46569, September 21, 1981)

SUMMARY: This action removes from the Federal Aviation Regulations (FAR's) all references to the Panama Canal Domestic Air Defense Identification Zone (ADIZ). The ADIZ's are established to identify airspace wherein, for national defense purposes, flight must be approved and monitored by military authority through an appropriate aeronautical facility.

The Territory known as the Panama Canal Zone ceased to exist on October 1, 1979, when the Panama Canal Treaty between the United States and the Republic of Panama became effective. Accordingly, this section removes from the Federal Aviation Regulations regulatory language dealing with flight within the Republic of Panama's sovereign airspace.

Comments on the rule must be received before October 21, 1981.

ADDRESSES: Send comments on the rule in duplicate to:
Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22142, 800 Independence Avenue, SW., Washington, DC 20591,

OR deliver comments in duplicate to:

FAA Rules Docket, Room 916,
800 Independence Avenue, SW.,
Washington, DC.

Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

William C. Davis
Air Traffic Rules Branch (AAT-223)
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591
Telephone (202) 426-3128.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Although this action is in the form of a final rule which involves airspace modifications which are dictated by international treaty, and, thus, was not preceded by notice and public procedure, comments are invited on the rule. When the comment period ends, the FAA will use the comments submitted together with other available information, to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulation. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed.

BACKGROUND

The Panama Canal Treaty, effective October 1, 1979, returned sovereign control of the United States Territory known as the Panama Canal Zone to the Republic of Panama. That transfer of control included sovereignty over the airspace above the former Canal Zone. Accordingly, the authority of the FAA to regulate that airspace ended on the date that the treaty became effective.

By letter received on May 28, 1980, the Chief, Aviation Program and Policy Division, United States Department of State, requested that the phrase "Panama Canal Zone" in the FAR's be changed to "Republic of Panama." This action will eliminate entirely those FAR's which reference the Panama Canal Zone.

The ADIZ's were established to ensure that the Department of Defense could monitor and identify all aircraft entering United States airspace. Since the Panama Canal Zone is no longer sovereign airspace of the United States, the need and authority for surrounding it with a domestic ADIZ no longer exist. On April 10, 1980, the Republic of Panama established its own ADIZ around the former Canal Zone.

The United States Department of Defense has approved this cancellation of the Panama Canal Zone ADIZ.

Because the Panama Canal Treaty has already effectively invalidated the Panama Canal Zone ADIZ, this amendment merely alters the FARs to conform to a situation which already exists. I, therefore, find that advance notice and public procedure are unnecessary in this instance.

ADOPTION OF THE AMENDMENT

Accordingly, Part 99 of the Federal Aviation Regulations (14 CFR Part 99) is amended, effective 0900 GMT, October 21, 1981.

(Secs. 307, 313(a), 1102, 1110, and 1202, Federal Aviation Act of 1958 (49 U.S.C. §§ 1348, 1354(a), 1502, 1510, and 1522)).

NOTE: This action merely alters the Federal Aviation Regulations to conform to rules and procedures previously established by international agreement. The FAA has thus determined that this action—(1) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (2) does not warrant preparation of a regulatory evaluation as the anticipated impact is no minimal. Since this regulation is being issued as a result of a Treaty with the Republic of Panama, it is excluded from the provisions of Executive Order 12291.

Amendment 99-12

Modification of Flight Plan Filing Requirements for Operation in Coastal ADIZ

Adopted: March 18, 1982 **Effective: April 22, 1982**

(Published in 47 FR 12324, March 22, 1982)

SUMMARY: This amendment to Part 99 of the Federal Aviation Regulations (1) modifies the geographic area of exclusion in which aircraft operating at a true airspeed of less than 180 knots would not need to meet the flight plan filing and other requirements of that Part, and (2) requires the aircraft's transponder capability to be included in the flight plan. The amendment responds to a threat to safety in air commerce by aircraft operating illegally with respect to transportation of drugs through airspace adjacent to the State of Florida.

Comments are invited on this amendment until April 30, 1982.

ADDRESSES: Send comments on the rule in duplicate to:
Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Docket No. 22782, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be examined in the Rules Docket, weekdays except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:

B. Keith Potts
Airspace and Air Traffic Rules Division
Air Traffic Service (Telephone (202) 426-3731)
Federal Aviation Administration
800 Independence Avenue, S.W.
Washington, D.C. 20591

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Although this amendment is in the form of an emergency final rule which concerns immediate flight safety and, thus, is not preceded by notice and public procedure, comments are invited on this amendment. Comments should be submitted to the address indicated above. Comments received before the date specified will be reviewed and this amendment may be changed in the light of comments received. Commenters wishing the FAA to acknowledge receipt of their comments in response to this rule must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 22782." The postcard will be date/time stamped and returned to the commenter.

BACKGROUND

Subpart A of Part 99 of the Federal Aviation Regulations sets forth flight plan and position reporting requirements for aircraft operating in Air Defense Identification Zones (ADIZ). However, § 99.1(b)(1) excludes from these requirements aircraft operations conducted at a true airspeed of less than 180 knots in a Coastal or Domestic ADIZ north of the 25th parallel or west of the 85th meridian. The geographic area of exclusion encompasses a region (South Florida) known to be rife with aircraft operations involving the transport of illicit drugs. A large portion of this illegal traffic has for some time been accomplished by aircraft flying into the United States through the Coastal ADIZ and into Florida. As a result, necessary State, local and Federal enforcement pressures have been increasing against such aircraft operators. While the FAA does not enforce the antismuggling and related statutes, it is concerned with the growth of hazards to air

commerce in Florida arising in connection with the increasing use of aircraft to escape detection in bringing narcotic drugs, marihuana, and depressant or stimulant drugs into the United States through Florida. Those hazards have increased as the number of pilots who are willing to risk the carriage of these illegal goods under severe enforcement pressures has increased. The means for detection of these aircraft include low altitude radar, pursuit aircraft and advanced police techniques, and are now being supplemented. Any pilot committed to escaping these devices in order to avoid severe penalties may be expected to engage in extremely dangerous flight techniques to avoid pursuit aircraft; very low flight to avoid radar; landing and taking off from unprepared landing areas; and operation in weather conditions beyond the capability of the aircraft or pilot. These flight techniques create a safety hazard for all other aircraft in the area. Thus, while other agencies are responsible for controlling the traffic in narcotic drugs, marihuana, and depressant or stimulant drugs and although the mere carriage of those items under normal conditions is not dangerous, nevertheless the increased enforcement efforts and the demand for those drugs have combined to pose a direct threat to air commerce, at least with respect to the aerial smuggling of those items into the United States through Florida.

Aircraft operating into Florida through the Coastal or Domestic ADIZ are subject to identification processes which, in part, involve the correlation of radar-detected targets with flight plan and position report information. However, aircraft operations conducted at a true airspeed of less than 180 knots are not readily identifiable since they are not required to either file a flight plan or make position reports. Consequently, the threat to air safety is increased and, at the same time, the drug enforcement effort in the South Florida region is seriously impaired by the exclusion.

In order to meet this threat to aviation safety directly, this amendment reduces the area of exclusion along the south and east coasts of the United States. The area of exclusion for aircraft operated in a Coastal or Domestic ADIZ at less than 180 knots is redefined in § 99.1(b) (1) as north of the 30 degree north parallel and west of the 86 degree west meridian. In effect, all civil aircraft operating in the Coastal or Domestic ADIZ adjacent to almost all of the State of Florida will be subject to the flight plan filing and position reporting requirements of Part 99 regardless of the aircraft's true airspeed. Additionally, revised § 99.11(b) requires the aircraft operator to indicate in the IFR or DVFR flight plan the transponder capability of the aircraft, i.e., transponder, no transponder, transponder with altitude encoding, etc.

The FAA has determined the overall impact of this amendment on users of the system to be minimal. Most pilots and operators as a matter of practice already file flight plans (and make the attendant position reports) in order to avail themselves of the search and rescue services initiated on overdue aircraft. For those who would not ordinarily file a flight plan, it requires only a minimal amount of information and effort. Further, the new requirement for information on transponder capability requires only that the pilot or operator include in the flight plan a one-letter suffix to the aircraft type. The suffix may be obtained from the aeronautical facility with which the flight plan is filed. Also, the Airman's Information Manual provides information concerning the appropriate suffix to be used.

The FAA has also consulted with the Department of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 inasmuch as this amendment involves airspace outside the United States.

Since this amendment relates to an immediate safety situation in air commerce involving aircraft entering the State of Florida through the ADIZ adjacent to that State, I find the continued operation of the National Air Traffic Control System in a safe and efficient manner requires the immediate adoption of this regulation in the public interest. Therefore, I find that further notice and public procedure thereon are impracticable and contrary to the public interest. I further find that good cause exists for making this regulation effective in less than 30 days after it is published in the FEDERAL REGISTER.

ADOPTION OF THE AMENDMENT

Accordingly, §§ 99.1(b) (1) and 99.11(b) of the Federal Aviation Regulations (14 CFR §§ 99.1(b) (1) and 99.11(b)) are amended, effective April 22, 1982.

(Secs. 307, 1110, and 1202, Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1348, 1510, and 1522); Sec. 6(c), Department of Transportation Act (49 U.S.C. § 1655(c)).

NOTE: The FAA has determined that this rule is an emergency regulation under the provisions of Section 8 of Executive Order 12291 and the Department's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). It is impracticable for the FAA to follow the procedures of Executive Order 12291 applicable to regulations not issued in response to emergency situations because the safety and efficiency of the national air transportation system require immediate implementation of the rule. If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). If one is required, a copy of it, when filed, may be obtained by contacting the persons identified under the caption "FOR FURTHER INFORMATION CONTACT."

Amendment 99-13

Security Control of Air Traffic; Modification of the U.S. Air Defense Identification Zones (ADIZ)

Adopted: May 13, 1988 **Effective: June 30, 1988**

(53 FR 18216; May 20, 1988)

SUMMARY: This action amends Part 99 of the Federal Aviation Regulations by changing the lateral boundaries of ADIZ's around the Continental U.S., Alaska, and Guam. Additionally, this action makes editorial changes and deletes references to Distant Early Warning Identification Zones (DEWIZ). Domestic ADIZ's, and Coastal ADIZ's. The action is taken at the request of the Department of Defense for reasons of national security.

DATES: *Effective date:* June 30, 1988.

Comment date: Comments must be received by August 15, 1988.

ADDRESSES: Comments may be mailed or delivered in duplicate to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. [25113], 800 Independence Avenue, S.W., Washington, D.C 20591. Comments may be examined in the Rules Docket weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. Reginald C. Matthews, Air Traffic Rules Branch, ATO-230, Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591, telephone (202) 267-8783.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Even though this action is in the form of a final rule which involves airspace modifications and was not preceded by notice and public procedure, comments are invited on the rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire on any portion of the rule. When the comment period ends, the FAA will use the comments submitted together with other available information to review the regulations. After the review, if the FAA finds that changes are appropriate, it will initiate rulemaking proceedings to amend the regulations. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in evaluating the effects of the rule and determining whether additional rulemaking is needed. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this final rule must submit with those comments a self—addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 25113." The postcard will be date/time stamped and returned to the commenter. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

BACKGROUND

Air defense identification zones (ADIZ) are areas of airspace primarily over international waters, that are established to facilitate the monitoring of aircraft operations for national security and other purposes.

On October 23, 1986, the FAA received a petition from the U.S. Military Joint Chiefs of Staff to initiate rulemaking action in order to amend portions of the Pacific and Gulf of Mexico Coastal ADIZ's by deleting those areas that lay south of the U.S. border with the Republic of Mexico.

Subsequent requests, the latest of which was received in December 1987, amended the original petition for realignment by requesting the realignment of Alaska DEWIZ to include the Aleutian Islands. Additionally, the Joint Chiefs of Staff requested that the FAA make editorial name changes to delete

ambiguous terms such as Coastal, Gulf, Domestic, Pacific, and Distant Early Warning when referring to the different areas and, for standardization purposes, use the single term Air Defense Identification Zones. The ADIZ realignment was developed in support of the North American Defense Command (NORAD) mission of controlling access to sovereign airspace and peacetime mission of national security.

Additionally, the U.S. Air Force requested by letter dated September 29, 1987, that the FAA realign the Guam ADIZ. This request for a rule amendment is based on the increase in the level of potential threats to U.S. government personnel and facilities on the island of Guam.

The Department of Defense (DOD) by letter dated April 19, 1988, requested the FAA to upgrade the priority of the ADIZ petition and asked that the implementation of the ADIZ realignment be expedited.

DISCUSSION

The FAA has reviewed the requests for amendment to Part 99 and finds that amendment to the ADIZ boundaries in Part 99 of the Federal Aviation Regulations is necessary to reconcile issues of Mexican sovereign airspace specifically, the alteration of the ADIZ in the Gulf of Mexico and in the southwest portion of the U.S., off the coast of lower California, aligns the ADIZ so that it does not extend into the sovereign airspace of the Republic of Mexico.

The alteration of the existing ADIZ boundaries in the Alaskan area would alleviate current flight plan and position reporting requirements for those pilots conducting operations in the Aleutian Island chain who presently depart some of the island airports and routinely must exit and reenter the ADIZ. Additionally, this amendment will eliminate a gap in the ADIZ on the western shore of Canada by providing a continuous ADIZ between the U.S. airspace and the Canadian Domestic ADIZ.

In regard to the requested modification of the Guam ADIZ, the FAA agrees with the DOD that an inner ADIZ for the defense of the Mariana Islands is necessary. Such an ADIZ will facilitate the implementation of new air defense procedures without causing any undue interference with local air traffic.

Additionally, the FAA concurs with the DOD in the simplification of the nomenclature of ADIZ's by removing references to specific types ar location names of ADIZ's. To accommodate the simplification aspect, minor editorial changes are necessary in the following: Sections 99.11, 99.13, 99.17, 99.19, 99.21, 99.23, 99.25, 99.43, 99.45, and 99.47.

The DOD has requested implementation of the revised boundaries of the ADIZ at the earliest possible date which would permit inclusion of the action in revised aeronautical charts to be issued on June 30, 1988. In response to the DOD assessment of the importance of the ADIZ realignment for national defense objectives, the FAA finds that further delay in the implementation of the rule for public notice and comment under 5 U.S.C. Section 553 is impracticable and contrary to the public interest. Further, the FAA notes that a change in the ADIZ boundaries, primarily over international waters, is not the type of action which would normally involve public comment but for the change in the descriptive language in FAR Part 99. Neither the ADIZ action nor the editorial revisions affect in any way the operating procedures which apply in the ADIZ or affect designations of controlled airspace or special use airspace. Notwithstanding the minimal impact of this action, the FAA is requesting comments on the final rule. Comments received will be used in determining whether additional rulemaking is needed.

For the above reasons the FAA has determined that this action is not a "major rule" under Executive Order 12291; is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and does not warrant preparation of a regulatory evaluation as the overall impact on users of the system is to be minimal.

FEDERALISM DETERMINATION

The amendment set forth herein would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The regulations set forth in this notice would be promulgated pursuant to the authority in the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301, *et seq.*), which has been construed to preempt state law regulating the same subject. Therefore, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

The FAA has also consulted with the Department of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854 inasmuch as this amendment involves airspace outside of the United States.

ADOPTION OF THE AMENDMENT

Accordingly, Part 99 of the Federal Aviation Regulations (14 CFR Part 99) is amended, effective 0901 u.t.c., June 30, 1988.

THE AMENDMENT

PART 99—SECURITY CONTROL OF AIR TRAFFIC

For the above reasons the FAA revises FAR Part 99 (14 CFR Part 99) as follows:

PART 99—SECURITY CONTROL OF AIR TRAFFIC

Subpart A—General

Section

99.1 Applicability
99.3 General
99.5 Emergency situations
99.7 Special security instructions
99.9 Radio requirements
99.11 ADIZ flight plan requirements
99.15 Arrival of completion notice
99.17 Position reports; aircraft operating in or penetrating an ADIZ; IFR
99.19 Position reports; aircraft operating in or penetrating an ADIZ; DVFR
99.21 Position reports; aircraft entering the U.S. through an ADIZ; U.S. aircraft
99.23 Position reports; aircraft entering the U.S. through an ADIZ; foreign aircraft
99.27. Deviation from flight plans and ATC clearances and instructions
99.29 Radio failure; DVFR
99.31 Radio failure; IFR

Subpart B—Designated Air Defense Identification Zones

Section

99.41 General
99.42 Contiguous U.S. ADIZ
99.43 Alaska ADIZ
99.45 Guam ADIZ
99.47 Hawaii ADIZ
99.49 Defense area

Authority: 49 U.S.C. 1348, 1354(a), 1502, 1510, and 1522; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

Part 99—Security Control of Air Traffic

Subpart A—General

§ 99.1 Applicability.

(a) This subpart prescribes rules for operating civil aircraft in a defense area, or into, within, or out of the United States through an Air Defense Identification Zone (ADIZ), designated in Subpart B.

(b) Except for § 99.7, this subpart does not apply to the operation of an aircraft—

(1) In an ADIZ north of 30 degrees north longitude or west of 86 degrees west longitude at a true airspeed of less than 180 knots;

(2) In the Alaskan ADIZ at a true airspeed of less than 180 knots while the pilot maintains a continuous listening watch on the appropriate frequency;

(3) From any point in the 48 contiguous States on an outbound track through an ADIZ;

(4) Within the 48 contiguous States and the District of Columbia, or within the State of Alaska, which remains within 10 nautical miles of the point of departure; or

(5) Over any island, or within 3 nautical miles of the coastline of any island, in the Hawaii ADIZ.

(c) Except as provided in § 99.7, the radio and position reporting requirements of this subpart do not apply to the operation of an aircraft within the 48 contiguous States and the District of Columbia, or within the State of Alaska, if that aircraft does not have two-way radio and is operated in accordance with a filed DVFR flight plan containing the time and point of ADIZ penetration and that aircraft departs within 5 minutes of the estimated departure time contained in the flight plan.

(d) An FAA ATC center may exempt the following operations from this subpart (except § 99.7), on a local basis only, with the concurrence of the military commanders concerned:

(1) Aircraft operations that are conducted wholly within the boundaries of an ADIZ and are not currently significant to the air defense system.

(2) Aircraft operations conducted in accordance with special procedures prescribed by the military authorities concerned.

§ 99.3 General.

(a) Air Defense Identification Zone (ADIZ) is an area of airspace over land or water in which the ready identification, location, and control of civil aircraft is required in the interest of national security.

(b) Unless designated as an ADIZ, a Defense Area is any airspace of the United States in which the control of aircraft is required for reasons of national security.

(c) For the purposes of this part, a Defense Visual Flight Rules (DVFR) flight is a flight within an ADIZ conducted under the visual flight rules in Part 91.

§ 99.5 Emergency stiuations.

In an emergency that requires immediate decision and action for the safety of the flight, the pilot in command of an aircraft may deviate from the rules in this part to the extent required by that emergency. He shall report the reasons for the deviation to the communications facility where flight plans or position reports are normally filed (referred to in this part as "an appropriate aeronautical facility") as soon as possible.

§ 99.7 Special security instructions.

Each person operating an aircraft in an ADIZ or Defense Area shall, in addition to the applicable operating rules of this part, comply

with special security instructions issued by the Administrator in the interest of national security and that are consistent with appropriate agreements between the FAA and the Department of Defense.

§ 99.9 Radio requirements.

Except as provided in Section 99.1(c), no person may operate an aircraft in an ADIZ unless the aircraft has a functioning two-way radio.

§ 99.11 ADIZ Flight plan requirements.

(a) No person may operate an aircraft in or penetrate an ADIZ unless that person has filed a flight plan with an appropriate aeronautical facility.

(b) Unless ATC authorizes an abbreviated flight plan—

(1) A flight plan for IFR flight must contain the information specified in § 91.83; and

(2) A flight plan for VFR flight must contain the information specified in § 91.83 (a) (1) through (7).

(3) If airport of departure is within the Alaskan ADIZ and there is no facility for filing a flight plan then:

(i) Immediately after takeoff or when within range of an appropriate aeronautical facility, comply with provisions of paragraph (b)(1) or (2) as appropriate.

(ii) Proceed according to the instructions issued by the appropriate aeronautical facility.

(c) The pilot shall designate a flight plan for VFR flight as a DVFR flight plan.

§ 99.15 Arrival or completion notice.

The pilot in command of an aircraft for which a flight plan has been filed shall file an arrival or completion notice with an appropriate aeronautical facility, unless the flight plan states that no notice will be filed.

§ 99.17 Position reports; aircraft operating in or penetrating an ADIZ; IFR.

The pilot of an aircraft operating in or penetrating an ADIZ under IFR—

(a) In controlled airspace, shall make the position reports required in § 91.125; and

(b) In uncontrolled airspace, shall make the position reports required in § 99.19.

§ 99.19 Position reports; aircraft operating in or penetrating an ADIZ; DVFR.

No pilot may penetrate an ADIZ under DVFR unless—

(a) That pilot reports to an appropriate aeronautical facility before penetration: The time, position, and altitude at which the aircraft passed the last reporting point before penetration and the estimated time of arrival over the next appropriate reporting point along the flight route;

(b) If there is no appropriate reporting point along the flight route, that pilot reports at least 15 minutes before penetration: The estimated time, position, and altitude at which he will penetrate; or

(c) If the airport of departure is within an ADIZ or so close to the ADIZ boundary that it prevents his complying with paragraphs (a) or (b) of this section, that pilot has reported immediately after taking off: The time of departure, altitude, and estimated time of arrival over the first reporting point along the flight route.

§ 99.21 Position reports; aircraft entering the United States through an ADIZ; United States aircraft.

The pilot of an aircraft entering the United States through an ADIZ shall make the reports required in § 99.17 or § 99.19 to an appropriate aeronautical facility.

§ 99.23 Position reports; aircraft entering the United States through an ADIZ; foreign aircraft.

In addition to such other reports as ATC may require, no pilot in command of a foreign civil aircraft may enter the United States through an ADIZ unless that pilot makes the reports required in § 99.17 or § 99.19 or reports the position of the aircraft when it is not less than one hour and not more than two hours average direct cruising distance from the United States.

§ 99.27 Deviation from flight plans and ATC clearances and instructions.

(a) No pilot may deviate from the provisions of an ATC clearance or ATC instruction except in accordance with § 91.75 of this chapter.

(b) No pilot may deviate from the filed IFR flight plan when operating an aircraft in uncontrolled airspace unless that pilot notifies an appropriate aeronautical facility before deviating.

(c) No pilot may deviate from the filed DVFR flight plan unless that pilot notifies an appropriate aeronautical facility before deviating.

§ 99.29 Radio failure; DVFR.

If the pilot operating an aircraft under DVFR in an ADIZ cannot maintain two-way radio communications, the pilot may proceed in accordance with his original DVFR flight plan or land as soon as practicable. The pilot shall report the radio failure to an approprate aeronautical facility as soon as possible.

§ 99.31 Radio failure; IFR.

If a pilot operating an aircraft under IFR in an ADIZ cannot maintain two-way radio communications, the pilot shall proceed in accordance with § 91.127 of this chapter.

Subpart B—Designated Air Defense Identification Zones

§ 99.41 General

The airspace above the areas described in this subpart is established as an ADIZ, Defense Area. The lines between points described in this subpart are great circles except that the lines joining adjacent points on the same parallel of latitude are rhumb lines.

§ 99.42 Contiguous U.S. ADIZ.

(a) The area bounded by a line from 26°00′N, 96°35′W; 26°00′N, 95°00′W; 26°30′N, 95°00′W; then along 26°30′N to 26°30′N, 84°00′W; 24°00′N, 83°00′W; 24°00′N, 80°00′W; 24°00′N, 79°25′W; 25°40′N, 79°25′W; 27°30′N, 78°50′W; 30°45′N, 74°00′W; 39°30′N, 63°45′W; 43°00′N, 65°48′W; 41°15′N, 69°30′W; 40°32′N, 72°15′W; 39°55′N, 73°00′W; 39°38′N, 73°00′W; 39°36′30″N, 73°40′30″W; 39°30′N, 73°45′W; 37°00′N, 75°30′W; 36°10′N, 75°10′W; 35°10′N, 75°10′W; 32°01′N, 80°32′W; 30°50′N, 80°54′W; 30°05′N, 81°07′W; 27°59′N, 79°23′W; 24°49′N, 80°00′W; 24°49′N, 80°55′W; 25°10′N, 81°12′W; then along a line 3 nautical miles from the shoreline to 25°45′N, 81°27′W; 25°45′N, 82°07′W; 28°55′N, 83°30′W; 29°20′N, 85°00′W; 30°00′N, 86°00′W; 30°00′N, 88°30′W; 29°00′N, 89°00′W; 28°45′N, 90°00′W; 29°26′N, 94°00′W; 28°42′N, 95°17′W; 28°05′N, 96°30′W; 26°25′N, 96°30′W; 26°00′N, 96°35′W; 25°58′N, to 97°07′W;

(b) The area bounded by a line from 32°32′03″N, 117°07′25″W; 32°30′N, 117°20′W; 32°00′N, 118°24′W; 30°45′N, 120°50′W; 29°00′N, 124°00′W; 37°42′N, 130°40′W; 48°20′N, 132°00′W; 48°20′N, 128°00′W; 48°30′N, 125°00′W; 48°29′38″N, 124°43′35″W; 48°00′N, 125°15′W; 46°15′N, 124°30′W; 43°00′N, 124°40′W; 40°00′N, 124°35′W; 38°50′N, 124°00′W; 34°50′N, 121°10′W; 34°00′N, 120°30′W; 32°00′N, 118°24′W; 32°30′N, 117°20′W; 32°32′03″N, to 117°07′25″W; and

(c) A line extending from 32°32′03″N, 117°07′25″W; eastward along the United States-Mexico Border to 25°58′00″N, 97°07′00″W.

§ 99.43 Alaska ADIZ.

The area bounded by a line 54°00′N, 136°00′W; 56°57′N, 144°00′W; 57°00′N, 145°00′W; 53°00′N, 158°00′W; 50°00′N, 169°00′W; 50°00′N, 180°00′; 50°00′N, 170°00′E; 53°00′N, 170°00′E; 60°00′N, 180°00′; 65°00′N, 169°00′W; then along 169°00′W to 75°00′N, 169°00′W; then along the 75°00′N parallel to 75°00′N; 141°00′W to 69°50′N, 141°00′W; 71°18′N, 156°44′W; 69°52′N, 163°00′W; then south along 163°00′W to 54°00′N, 163°00′W; 56°30′N, 154°00′W; 59°20′N, 146°00′W; 59°30′N, 140°00′W; 57°00′N, 136°00′W; 54°35′N, 133°00′W; to point of origin.

§ 99.45 Guam ADIZ.

(a) *Inner boundary.* From a point 13°52′07″N, 143°59′16″E, counterclockwise along the 50-nautical-mile radius arc of the NIMITZ VORTAC (located at 13°27′11″N, 144°43′51″E; to a point 13°02′08″N, 145°28′17″E; then to a point 14°49′07″N, 146°13′58″E; counterclockwise along the 35-nautical-mile radius arc of the SAIPAN NDB (located at 15°06′46″N, 145°42′42″E); to a point 15°24′21″N, 145°11′21″E; then to point of origin.

(b) *Outer boundary.* The area bounded by a circle with a radius of 250 NM centered at latitude 13°32′41″N, longitude 144°50′30″E.

§ 99.47 Hawaii ADIZ.

(a) *Outer boundary.* The area included in the irregular octagonal figure formed by a line connecting 26°30′N, 156°00′W; 26°30′N, 161°00′W; 24°00′N, 164°00′W; 20°00′N, 164°00′W; 17°00′N, 160°00′W; 17°00′N, 156°00′W; 20°00′N, 153°00′W; 22°00′N, 153°00′W; to point of orgin.

(b) *Inner boundary.* The inner boundary to follow a line connecting 22°30′N, 157°00′W; 22°30′N, 160°00′W; 22°00′N, 161°00′W; 21°00′N, 161°00′W; 20°00′N, 160°00′W; 20°00′N, 156°30′W; 21°00′N, 155°30′W; to point of origin.

§ 99.48 Defense Area.

All airspace of the United States is designated as Defense Area except that airspace already designated as Air Defense Identification Zone.

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